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Canadian Lawyer Magazine

CONTINUUM

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY **ALUMNI MAGAZINE** WINTER 2006

Osgoode and the

Afghanistan Justice System

How Osgoode
Alumni are
Helping to
Rebuild the
Justice Sector
of Afghanistan.
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CONTINUUM

Osgoode Hall Law School Alumni Magazine
Volume XXV Number 6

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Continuum is published once a year by Osgoode Hall Law School of York University for alumni and friends. Ideas and opinions expressed in Continuum do not necessarily reflect those of the editors, Osgoode Hall Law School or York University.

We invite your letters and comments, and hope that you will keep us posted on where you are and what you are doing. Please use the enclosed reply card or send correspondence to:

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Printed in Canada
ISSN 0318-1295



OSGOODE RANKED #1 LAW SCHOOL IN CANADA

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Photography by Horst Herget

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Photography by Babak

win·dow (win/dō) *n.* 1. An opening in a wall or side of a building, ship, or carriage, to admit light or air, or both, and to afford a view of what is outside or inside. *Oxford English Dictionary*

It seems that Osgoode has made quite a fuss about windows this academic year. You may be asking yourself, how important can a window be? For those Osgoode alumni who graduated before 1969 it may be hard to understand just how critical an element this is to a legal education, but for everyone who graduated since then I am sure they know. We have ‘opened’ two new and real windows in classrooms at Osgoode, much to the delight of our students and faculty.

I cannot miss this opportunity for a metaphor, as corny as it may be – this magazine is, in a sense, a window itself. It will give you a view on what is happening inside the Law School and on how Osgoode is helping to effect change outside the School and around the world.

When called to the bar, a lawyer takes on a professional obligation to protect the public’s ability to access justice. The School’s motto, “Through Law to Justice” demonstrates our commitment to this principle while our alumni, faculty and students work to actualize it. In this edition of *Continuum*, we are reporting on a few whose work is building the very foundations of justice.

Larry Taman ‘71 will be known to many alumni through his work as a faculty member at Osgoode in the 1970s and 80s or as the former Deputy Attorney General of Ontario. He has just completed an assignment in Afghanistan helping to build their justice system. His experience is fascinating and profound. Professor Tom Johnson also worked in Afghanistan last summer and shares his experience.

This dedication to public service extends to our students. We have, with the generosity of two donors and with funds from the Law School itself, established the Honourable Ian Scott Public Internship Program. This program will allow our students to use their considerable talents and energies to directly impact the lives of people around the world. This, the first year of the program, saw Osgoode students working in Guatemala, Brazil, Turkey and right here in Toronto. I am also very pleased that the program has been named after an important Osgoode alumnus, former Ontario Attorney General Ian Scott ‘59. Ian personally influenced the lives and careers of many Ontario lawyers, myself included. This new program personifies many of the values which Ian stood for, both personally and professionally, and will allow Osgoode students the opportunity to play an effective and important role in the delivery of justice.

I hope you enjoy this issue of *Continuum*.

Sincerely,

Patrick J. Monahan

FACULTY NEWS



Professor **Joan Gilmour** has been selected for a residency this spring at the prestigious Rockefeller Foundation's Bellagio Study and Conference Center in Bellagio, Italy. She will be working on a book manuscript based on the study she is presently completing analyzing the interaction of the health care system, liability for medical error, and initiatives to enhance patient safety in a number of common law countries.

The Ontario Bar Association awarded the David Mundell Medal for outstanding contribution to the law through legal writing to Professor **Garry Watson** at a luncheon on February 3, 2005. The medal recognizes his contribution to legal scholarship, particularly his comprehensive annotated publications of the Ontario Rules of Civil Procedure.



Professor **Carys Craig** has won the David Watson Memorial Award for her article, "Locke, Labour and Limiting the Author's Right: A Warning against a Lockean Approach to Copyright Law", which appeared in Volume 28 of the Queen's Law Journal. The award is given annually for the article in the Journal that is judged to make the most significant contribution to legal scholarship.

Professor **Poonam Puri** has been selected as one of 10 members of the Ontario Securities Commission's Investor Advisory Committee (IAC), which provides advice and guidance on any aspect of the OSC that has an impact on investors. She has also been appointed as one of two Research Directors of the Investment Dealers Association of Canada's Task Force to Modernize Securities Legislation in Canada.

Professor **John McCamus** was appointed University Professor at the 2005 Spring Convocation, an honour reserved for long-serving tenured York faculty members who have made an extraordinary contribution as a colleague, teacher and scholar. There are at any one time no more than 12 University Professors at York.



Professor **Roxanne Mykitiuk** has been chosen as theme leader on one component of a multi-million dollar Genome Canada research project called "Structural and Functional Annotation of the Human Genome for Disease Study" that aims to bridge new biological knowledge with medical applications.

Professor **Les Green** has been appointed to the Hauser Global Law faculty at New York University School of Law. One of very few legal philosophers ever to have been appointed to the Hauser faculty, he will make his first teaching visit to NYU this fall where he will teach in the areas of jurisprudence and legal philosophy. In high demand at top-ranked law faculties around the world, Green has taught at Oxford University and the University of California at Berkeley. He is also a Regular Visiting Professor of Law at the University of Texas at Austin.



The 2005 Osgoode teaching awards were presented to Professors **Lisa Philipps** and **Bruce Ryder**, and Adjunct Professor **Dale Lastman** at the Law School's Convocation Dinner in June. Adjunct Professor **Martin Rochweg** received a distinguished service award. Osgoode students nominated the recipients and a committee selected the winners based on the quantity and the quality of the nominations.

Alumni Breakthrough Gives Students the Right to Light

In conjunction with the window installation in the new **Cassels Brock & Blackwell** classroom, the Law School ran a contest asking students to write a caption for a photo that would appear in *Continuum*. The winner would be given the honour of actually 'opening' the new window and dinner for two at the CN Tower. After lengthy deliberation and some really good belly laughs, three finalists were selected and all Osgoode students were invited to vote for their favourite caption.

Marty Venalainen '08 won the contest with 'Alumni Breakthrough gives Students the Right to Light.' The two other finalists' captions were 'Through Wall to Justice' submitted by **Catherine Hayhow** '08 and 'A Breakthrough' submitted by **Ron Podolny** '08.

Tom Heintzman '66, Partner, McCarthy Tétrault, (left), and Mark Young '78, Managing Partner, Cassels Brock & Blackwell LLP



WE'RE NUMBER ONE!

Photography by Horst Herget



With the publication in early January of Canadian Lawyer magazine's 2006 Law School Survey came the great news that Osgoode has been ranked the Number One law school in Canada.

It is the first time ever that Osgoode has taken top honours in the annual survey and the Law School wasted no time in holding a celebration on January 17 to thank members of the Osgoode community, including alumni, for making us Number One.

Among the special guests at the event were Canadian Lawyer's publisher Karen Lorimer, editor Patricia Chisholm and writer Kirsten McMahon; Sue-Lynn Noel '01 of Owens, Wright LLP; Osgoode Alumni Association Board member John Tobin '87 of Torys LLP; York University Chancellor Peter Cory '50; Professor Emeritus and former Dean Peter Hogg; and York University President and Vice-Chancellor Lorna R. Marsden.

"This is an historic achievement for the School," a beaming Osgoode Dean Patrick Monahan told a cheering crowd of alumni, students, faculty and staff gathered in the Moot Court Room. "We're just absolutely delighted."

Monahan singled out Hogg, who served as Dean of the Law School from 1998 to 2003, for special praise, saying he made it a priority to improve student satisfaction with the curriculum, the building and the learning environment. As a result, the Law School's ranking in the Canadian Lawyer survey moved up over the years, Monahan said.

Almost 500 recent Canadian law school graduates, who have been called to the bar within the last five years, responded to the 2006 Canadian Lawyer survey, which ranked their alma maters in seven categories: quality of curriculum; quality of law faculty; percentage of caring and competent professors; quality of fellow students admitted; standards of testing; adequacy of facilities; and relevance of their education to their actual law practice. Respondents also commented on tuition increases, student aid, and the need for more practical, hands-on training at 15 of the 19 law schools across the country.

"I think it must feel pretty good to know that your school is highly ranked by the people who have been here before you," said Canadian Lawyer editor Patricia Chisholm, who presented an award certificate to the Law School.

In the end however, Sue-Lynn Noel, a recent Osgoode graduate and one of the 2006 survey respondents, stole the limelight with her enthusiastic remarks about Osgoode including her analysis that the School's greatest strength is that it is "all things to all people." Declared Noel: "You can build anything on an Osgoode degree."

NOTICE OF THE ANNUAL GENERAL MEETING OF THE OSGOODE HALL LAW SCHOOL ALUMNI ASSOCIATION

The sixth Annual General Meeting of the Osgoode Hall Law School Alumni Association will be held on Tuesday, May 16, 2006 from 5 to 6 p.m. in the Museum Room at Osgoode Hall located at 130 Queen Street West, Toronto, ON.

Copies of the agenda will be available in advance through the Advancement Office (416) 736-5638 or alumni@osgoode.yorku.ca.

All alumni are welcome.
Positive RSVPs appreciated.

Dianne Martin Medal for Social Justice Through Law

This medal will be awarded to a member of the Canadian legal community who has exemplified Dianne's commitment to law as an instrument for achieving social justice and fairness.

Nomination submission

- Letter of nomination outlining how the nominee meets the criteria of the medal
- Biography of the nominee (not to exceed two pages)
- Maximum of four letters of support
- Maximum of four pages of additional materials

Completed nomination submissions must be received by March 17, 2006. Please send your package to:

**Advancement Office, Room 415
Osgoode Hall Law School Alumni Association
York University, 4700 Keele Street, Toronto, ON M3J 1P3
Tel. 416-736-5638 E-mail: alumni@osgoode.yorku.ca**

Alumni Top Achievers

Congratulations to the 14 Osgoode alumni who made Lexpert Magazine's 2005 list of the top 40 in-house corporate counsel under the age of 40. They are:

Stephen Bodley '93, VP & Assistant General Counsel, Direct Energy;

Norie Campbell '95, VP & Special Assistant, Office of the President & CEO, TD Bank Financial;

Denise Cooper '90, VP Business & Legal Affairs, General Counsel & Secretary, CHUM Ltd.;

Richard Crofts LLB/MBA '98, Executive VP, Corporate Development, General Counsel & Secretary, MI Developments Inc.;

Joseph Freedman LLB/MBA '94, Senior VP & General Counsel, Brookfield Asset Management Inc.;

Emily Jelich '90, Assistant General Counsel, Royal Bank Financial Group;

Stephanie Luciuk '96, Legal Counsel, Imperial Oil Limited;

George McClean LLB/MBA '94, Legal Counsel & OnStar Canada Board Member, General Motors of Canada Limited;

Patrick McGrade '90, VP Legal Affairs & Corporate Secretary, GlaxoSmithKline Inc.;

Cynthia Mintz LLM '03, Legal Counsel, TransAlta Corporation;

Gregory Porter '90, VP & General Counsel, TELUS Mobility;

Isabel Pouliot '96, Managing Counsel, Abitibi-Consolidated Inc.;

Robert Richardson '91, VP & Associate General Counsel, Head of CIBC World Markets Group, CIBC;

John Tobia '94, VP Legal & General Counsel, Aastra Technologies Limited.

Kudos also go to alumni who were honoured as three of "**Canada's Most Powerful Women: Top 100**" by the Women's Executive Network, a Canadian organization dedicated to the advancement and recognition of executive-minded women in the workplace. They are:

Madam Justice Denise Bellamy '78, of the Superior Court of Ontario;

Eileen McMahon '85, Partner, Torys LLP;

Andrea Rosen LLB/MBA '81, Vice Chair (on leave), TD Bank Financial Group.

Law School Ski Day

Join Dean Patrick Monahan, alumni, students, faculty & friends of Osgoode for a day of skiing on the slopes of Georgian Peaks Ski Club. All are welcome.



Friday, February 24, 2006
Georgian Peaks Ski Club, Thornbury, Ontario
Cost: \$75

Includes: lift ticket, breakfast, lunch, après ski, fun races & prizes

To RSVP or for more information:
Call: 416-736-5638 E-mail: alumni@osgoode.yorku.ca
Web site: www.osgoodealumni.ca

Journal Celebrates 20th Anniversary Edition

Celebrating the 20th anniversary edition of the *Canadian Journal of Women and the Law/Revue Femmes et Droit*, Osgoode's Institute for Feminist Legal Studies hosted a special lunch and "defining moments" seminar on January 27, 2006, featuring the *Journal's* co-editors, Kate Sutherland (Osgoode) and Louise Langevin (Laval). Special guests included the founding co-editors, Kathleen Lahey (Queen's) and Edith Deleury (Laval), former editor Denise Réaume (Toronto), student research assistants and others involved in producing the *Journal*, now housed at Osgoode. Two additional celebrations of the *Journal's* anniversary edition will take place in early 2006 at the law schools of the University of British Columbia and the University of Ottawa.

Photography by Cliff Spicer



Two Thumbs Up for the Osgoode Cup

York University students **Domenic Bianchi**, left, and **Ali Ayoub** celebrate their first-place victory in the **2005 Osgoode Cup Undergraduate Mooting Competition** with Dean Patrick Monahan. The 2006 competition, which is sponsored by Beard Winter LLP and will take place March 4 and 5, will feature 26 teams – up from 11 last year – with four representatives on each team. Teams from across Canada will participate.

Photography by Cliff Spicer



2005 Alumni Gold Key Awards

The **Osgoode Alumni Association's Gold Key Awards**, presented annually to honour outstanding alumni, were awarded in 2005 to (left to right) **Gary P. Mooney** '80, President and Chief Executive Officer of Fidelity National Financial and Chief Title Agent for Chicago Title Insurance Company; **Harvey M. Haber** '60, senior partner at Goldman Sloan Nash & Haber LLP; **Madam Justice Sandra Chapnik** '76 of the Superior Court of Justice; **Ernie Eves** '70, former Ontario Premier and Member of Provincial Parliament for nearly 24 years; **Catherine Beagan Flood** '97 of Blake, Cassels & Graydon LLP; and **Stephen McClyment** '74, Senior Investigation Counsel at the Law Society of Upper Canada. Missing from the photo is **Robert Gemmell** LLB/MBA '83, President and Chief Executive Officer of Citigroup Global Markets Canada Inc.



New Chief Law Librarian

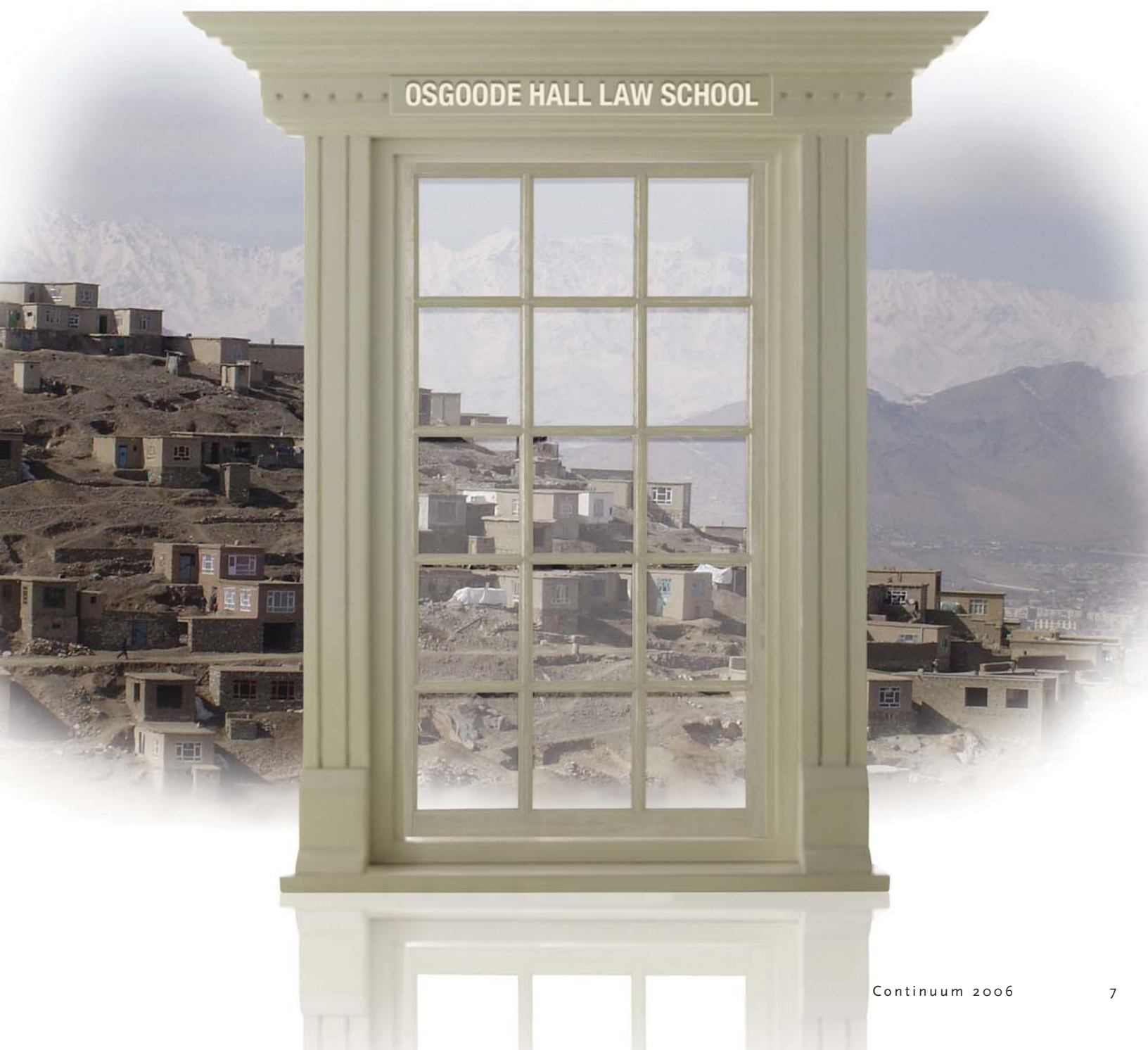
Nicholas Pengelley has been appointed as Osgoode's Chief Law Librarian.

"Osgoode has long been regarded as the best law library in the Commonwealth. I love what I do and the idea – now the fact – of running this wonderful library is the fulfillment of the dreams that I have followed for many years," says Pengelley, who brings to Osgoode more than 20 years experience in directing large academic law libraries in both Canada and Australia.

Selected after an extensive, proactive search, Pengelley was Law Library Director and Associate Professor of Law at Queen's University Faculty of Law from 2001 to 2005. Prior to that, he was Librarian and Acting Executive Director of the Centre for Innovation Law and Policy at the University of Toronto. From 1993 to 1999, he was the Law Library Director at Monash University Faculty of Law. He has prior library experience with the Australian Taxation Office, the High Court of Australia, and the Legal Services Commission of South Australia.


Pengelley, who is married to Osgoode alumna, Pamela Seguin '05, says his number one priority will be to further enhance the reputation of the library. "The steps to do this include bringing together a cohort of professional librarians with recruits of outstanding calibre, implementing a strategy to increase the acquisitions budget to levels commensurate with one of the world's leading research institutions, and improving the physical facilities so that the library once again becomes a place where people want to be, not just one where they occasionally have to be."

Osgoode and the Afghanistan Justice System



OSGOODE HALL LAW SCHOOL

Rebuilding the Justice Sector of Afghanistan



An Osgoode alumnus
and former faculty
member sets to work.

Story by Christine Ward Photography by Roberta Taman & Eric Putzig



He remembers the dust storms first. When Larry Taman '71 stepped off a plane from his home in Jakarta, France and into Afghanistan's once majestic capital city of Kabul in June 2004, what he saw makes him pause still, his voice betraying the intensity of the moment.

"Kabul was virtually destroyed in the civil war. Tens of thousands of people had been killed, a substantial part of the city was bombed."

All that remained of the mud brick buildings turned to rubble and baked by the hot, Afghan sun were the dust storms, swirling everywhere and covering everything with a thick brown blanket. The people, he says, looked quite weary and understandably so. "Those my age had been at war their entire adult lives. These were a people who knew very little except war and violence."

Scattered with the wreckage of lives lost, Kabul was a virtual microcosm of a country torn apart by 23 years of civil war and international sanctions culminating in the hard-line Taliban rule.

Amidst this, Larry Taman set to work.

An Osgoode graduate and one of the world's foremost experts in post-conflict justice reform, Taman was hand-picked to lead rebuilding efforts at the Afghan Ministry of Justice as part of the United Nations Development Program's (UNDP) "Rebuilding the Justice Sector of Afghanistan" project. Funded primarily by the Governments of Italy, Canada and the United Kingdom, the project's aim was to rebuild the country's shattered justice system.

Taman and the team – five international professionals paired with five Afghan justice representatives – had their work cut out for them. Upon arrival in Kabul, the provincial justice buildings, including the courts, Attorney General's offices, Ministry of Justice buildings and prisons were barely functional. "There wasn't an infrastructure of a justice system as we would understand it," he says. "There were no buildings, no communication and no system of organization or management. The justices had no place to sit and they weren't being paid. The entire time I was there, the Ministry of Justice in Kabul had trouble contacting its offices outside Kabul."

"To top it all off, it wasn't a very safe place."

Taman would know. Over the past four years, he has spent time in Albania, Mongolia and Bangladesh, helping to reform justice systems gone wrong as part of Justice Reform International, a network he founded in 2001 with colleagues from across Canada and abroad. He helped to build a training centre for judges and prosecutors in Albania (publishing four textbooks, with another two still to come); developed a national curriculum for legal education in Mongolia in partnership with the Université de Montréal; and cooperated with the Asian Development Bank on a new Anti-corruption Commission, launched in Bangladesh this past spring.

Before that, he headed up a project for the World Bank in Indonesia as part of a fellowship at the British Institute of International and Comparative Law. And he was executive director of Ernst & Young's international law practice based in London, England.

Irony would have it, though, that Taman claims as his best international training ground the country in which he was born and educated.

He credits Osgoode, where he both studied (1968 – 1971) and worked as a faculty member (1973 – 1980), and the three years he spent as Deputy Attorney General of Ontario in the mid-1990s as among the most influential of his distinguished career. "Being a strong generalist is a foundation for this work, as is knowing something about



“The Government intends to build a justice system that delivers safety, security and justice to the people of Afghanistan; that is accessible to all Afghans – whoever they are and wherever they live; that conforms with international minimally acceptable quality standards; that is affordable and sustainable.”

Excerpt from *Justice for All*, a plan of action that Larry Taman (left) helped draft

the management of justice systems. I was fortunate to gain both these skills and experiences relatively early in my career.”

Working with his Afghan and UN colleagues, Taman parlayed his track record in teaching and working with the Ontario government into a strategy for rebuilding Afghanistan’s justice system that, he says, reads a bit like the building plans for a house. “You can’t be governed purely by logic. You should dig the foundation first, but if you don’t have a backhoe when you start, you might build the walls first and set them aside. Of course, there are things you can’t possibly take on yet, like building the roof.”

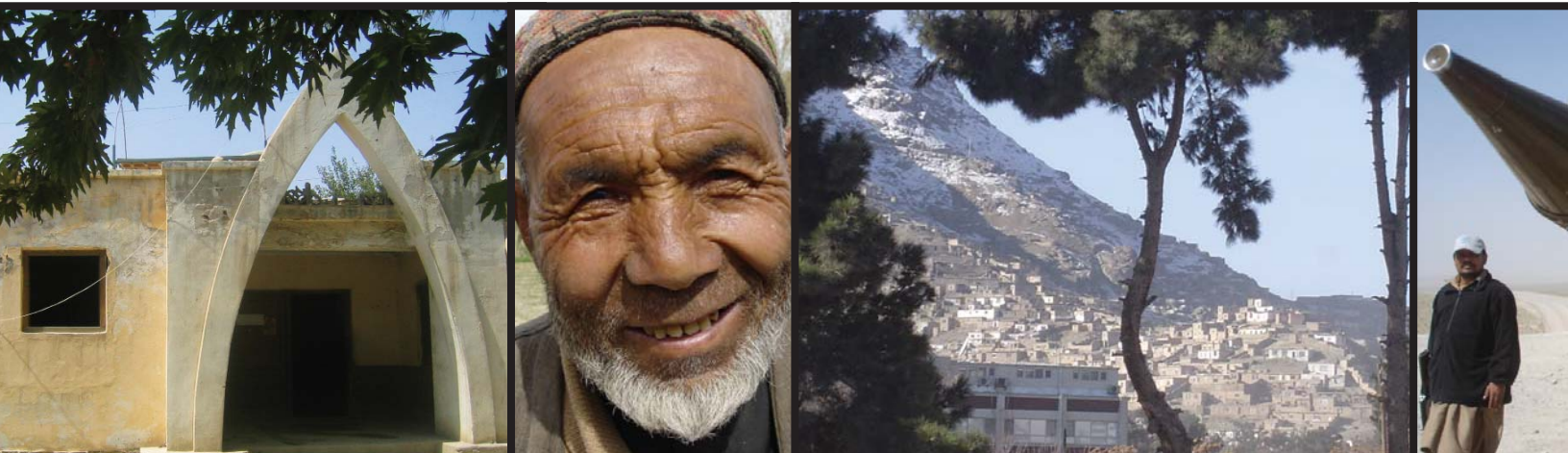
“There’s the logical way and then there’s the question of what’s acceptable, what’s going to actually work.”

In a post-conflict setting, explains Taman, there’s a real division

the only senior woman in Afghan’s justice system, Taman nurtured strong ties with judges, prosecutors and professors. He modestly admits to a good relationship with Afghanistan’s Minister of Justice Ghulam Sarwar Danish, to whom he was senior advisor, and with Deputy Minister Mohammed Qasim Hashimzai. “We were very fortunate because both were very committed; they understood the problems and exercised excellent leadership abilities.”

There were troubling moments, too.

In a tour of the country’s rural areas, Taman saw a trial in which a judge forced a young woman of 15 or 16 to marry despite threats that she would kill herself. His decision arose from what Taman saw as a mistaken interpretation of Islam law called Sharia. “I saw a lot of people with the very best of intentions within their frame of reference, but with



between the people with the resources and the people with the accountability. In this case, the gaps were between the international community for whom Taman worked as a UN representative, and the Afghanistan government.

“The fact is there were a number of visions [of a rebuilt justice system]. The international community naively believed that you could set up the rule of law overnight or at least something that looked like it to satisfy a domestic audience back home. The Afghan government was more realistic. They understood that it’s very difficult to get people to even come to work when they aren’t properly paid, their jobs are poorly defined and there’s no place to sit.”

Taman’s job was to sort out a system of priorities that was palatable to both sides. Over 14 months, he immersed himself in Afghan’s justice system, meeting as many people as possible in an effort to figure out what they felt they needed to do their work.

“It was terribly important that I develop a reputation for taking the people’s opinion seriously,” he remembers. “Afghanistan has a strong tradition of hospitality and courtesy. I was always met with courtesy, but I had to earn their respect.”

Together with his UN partner Fakhria Assad, a lawyer, journalist and

little or no legal training.”

Still, Taman and his colleagues put aside the temptation to first tackle Afghan’s seemingly archaic laws and procedures. They focused, instead, on the concrete – putting a roof over the heads of the Ministry’s 10,000 staff, giving them a place to sit, paying them more than the \$34 a month most were currently making, and essentially restoring dignity and pride. People who take pride in their work, he figured, would be able to figure out a way to establish procedure.

They also put pen to paper, drafting *Justice for All*, a plan of action that would take the Afghan government and the United Nations through a comprehensive rebuilding of every aspect of the tattered justice system, from people, materials and equipment, to law reform, programming and community awareness.

In July, his final month with the UNDP, Taman crossed paths with Osgoode’s Tom Johnson. Working with a U.S. Aid-funded program, Johnson spent six weeks with Kabul’s Ministry of Justice, creating an organizational framework for the country’s legislation and legislative processes (see sidebar for more on Tom Johnson’s experiences). In a country where international and non-governmental funding is typically tied to stated objectives, Johnson was especially

grateful for Taman's leadership role.

"Overlapping objectives and contributions from donor agencies can lead to tremendous waste, corruption and disenchantment on the part of local communities," he says. "As senior advisor to the Minister of Justice, Larry played a crucial role in the rebuilding process – advising, coordinating, and setting priorities."

By the time Taman left Kabul in August 2005, the basic tenets of a modern justice system were rising from the rubble. Osgoode's grad is most proud of *Justice for All*. At a groundbreaking National Justice Conference supported by the UNDP this fall, the 10-year justice sector strategy garnered support from both the international and government communities. The Afghan government is now putting the final touches on the plan to be incorporated into the Afghanistan National



Development Strategy. Soon, they will begin seeking the international financial support required to put the ideas for reform into play.

As for Taman, after a month respite in Toronto, he headed back to Albania for another assignment with Justice Reform International. He's scheduled to begin a fellowship at the University of Florence in Italy in the New Year and he wants to write something about his legal reform experiences in developing countries.

After that? He laughs. "My spring assignment will involve a warm place with a beach."

Without a doubt, though, his mind will remain abuzz with timely issues of international justice and reform. "Who are we to say what a country's justice system should look like?" he asks. "It's an important ethical question."

"If someone was starving would we intervene? Of course. We would just do the best we could. Then, is justice more like food or is it like something else? I think it's like food. We need to enable people to produce their own food and their own justice."

He pauses to reflect, his memories of Kabul clearly still quite intense.

"Why was success in Afghanistan so important, you ask?"

"If there's no justice, there's no peace." b

The Afghanistan Rule of Law Project



Often invoked, rarely defined and frequently taken for granted, the Rule of Law is seen as a crucial component of a democratic society. Over the past two decades, it has been judged essential by multilateral and bilateral agencies that provide technical assistance and support in post-conflict countries. In particular, it has been one of the central objectives for the creation of a stable and democratic Government in Afghanistan, following the Taliban's ouster in 2001.

Osgoode Professor Tom Johnson travelled to Afghanistan twice last year and continues to work on the "Afghanistan Rule of Law Project", which is funded by the United States Agency for International Development with a Washington-based consulting company, Checchi and Company Consulting, Inc., as the implementing agency. Here is his account of the challenging assignment.

There are numerous components to the Afghanistan Rule of Law Project, including building courthouses, conducting public awareness programs, and strengthening judicial institutions, the Ministry of Justice and university faculties.

My task is to assist Afghanistan's Ministry of Justice in the creation of a framework for the organization, classification and publication of existing and future laws in paper and electronic formats. In doing so we aim not only to collect, for the first time, the whole of Afghanistan's governing legislation, but also to make it as accessible as possible to the decision-makers and citizens of the country. After all, effective Rule of law is only possible insofar as citizens and courts understand and are able to find applicable laws as needed.

To this end we set out to publish the laws in hard copy, together with several indices, in order to assist researchers in finding laws on any given topic. Not only is the current collection of legislation incomplete, it is published chronologically, and without an index it would be very difficult for anyone to find laws on a given topic, let alone know if they have been amended or repealed. A topical index and an index of amendments will be published and distributed in hard copy along with complete sets of the Official Gazette in 2006. The legislation will also be placed within a digitized database for efficient dissemination, maintenance and updating, and posted on the Web.

This task is not without challenge. Both operating within and building upon legal traditions in Afghanistan is particularly difficult. Those traditions are often tangled and opaque, for several reasons. First, over the last century Afghan laws have been influenced by a number of national and foreign regimes, each with its own legislative goals. Second, these various ruling states have long shared their governing roles with a network of autonomous, locally-based institutions outside the purview of the state. Finally, the difficulty of penetrating the complex legal framework that the above factors have produced is compounded by the fact that Afghanistan does not appear to possess any single complete set of its enacted legislation.

Any effort made by the new Government to build upon Afghanistan's existing legal framework has to overcome these challenges. b



Andre Thorsen '03 is the Chief of Monitoring & Analysis working out of the Kabul Multinational Brigade (KMN) of the International Security Assistance Force (ISAF) in Afghanistan. He has been on the ground in Afghanistan since October 2005 and will continue his mission until at least April 2006. In December 2005 he responded via e-mail to our questions.

What is the International Security Assistance Force?

ISAF is a NATO Mission, operating under NATO Command, with Allied Joint Forces Brunssum (JFC Brunssum) in charge of the overall operation. ISAF was established to assist the Islamic Republic of Afghanistan in providing a safe and secure environment in which to promote, and ultimately achieve, the reconstruction of the country and the establishment of rule of law, after the decades of war that have ravaged the area.

What state did you find Afghanistan in when you arrived?

Afghanistan is very much a country in flux. It has existed in a state of war – both civil and external – for more than a quarter of a century. As a consequence, basic social cornerstones are severely compromised. For example, infrastructure is all but non-existent – most of the country is without electricity, running water, medical facilities, and adequate food supplies, etc. On the side of social systems, the literacy rate is about five per cent because of a lack of adequate schooling for long periods of time.

Corruption, crime, extremism and terrorism are commonplace. Bombings, kidnappings, murders, and other armed attacks take place on a daily basis. Many aid workers and foreigners working towards reconstruction, have been kidnapped, or murdered outright. Some rebel or extremist elements have gone so far as to put up a bounty for the murder of foreigners. In a country where the majority of the population is unemployed, or living significantly below the poverty line, that is some incentive. People are hungry and tired of conflict, but even so, conflict remains a constant here.

Osgoode alum Andre

An Interview with Anita Herrmann

What progress has been made to establish a functioning legal system?

Many IOs and individuals have made significant efforts to promote the rule of law and the establishment of a functioning legal system. Osgoode alumni have been prominent among these dedicated lawyers and advisors, with people like Larry Taman and Tom Johnson in the vanguard. Many other hardworking and dedicated people, Afghans and Internationals alike, are struggling to establish, and ultimately to maintain, a working legal system.

But it is an uphill battle – security concerns, lack of funding, lack of infrastructure, even of political will in some corners, is making the move towards rule of law slow and often painful.

What is the biggest challenge to realize this goal?

There are any number of challenges to this goal. Political will, for one. In Kabul city, under the watchful eyes of the International community and the Afghan government, changes are being made, slowly but surely. However, once you leave the city environs, the situation changes dramatically. There are areas ruled still by warlords, by tribal elders, and by outright criminals in the form of the drug traffickers. To these groups, the dictates of Kabul mean nothing. Consequently, laws cannot be enforced, largely because enforcement arms are inefficient, corrupt, intimidated or non-existent.

What is the greatest success so far?

In my view the greatest success has been the ability to take initial steps, and so has arisen a grassroots desire for peace, stability and the rule of law in this country. The populace is receiving the message – one individual at a time – that there are other options, and that there is a support network for the rebirth and growth of social, political and structural networks – all of which are intended to provide rule of law and democracy to this region.



Tom Hughes '08

A First-Year Osgoode Student Looks Back on his

As I sit here at Osgoode, it is strange to think that just a year ago I was a soldier in Afghanistan.

I remember Kabul as a big city with its main source of water a stagnant river that flows through the centre of town. On the banks, many of the buildings had been destroyed, crumpled like a discarded candy wrapper. Camps of displaced persons filled the dusty fields between crumbling homes and the twisted remains of

hundreds of Soviet-built fighting machines. As if the wars weren't cruel enough, daytime temperatures soared into the 50s and black clouds of dust regularly enveloped the city like a cloak and hid the scars from years of conflict.

As an officer in the Canadian contingent and the International Security Assistance Force (ISAF), my job was to plan operations in the city – to help bring stability that would hopefully lead to peace. I remember the Canadian recon-

Thorsen '03 in Afghanistan

What are the prospects for establishing a functioning democracy?

The establishment of a “western style” democracy – for lack of a better phrase – is going to depend on the ability of those locals truly committed to democracy, to enforce the development of that democracy, and on the political will, or desire, of the International community to continue to assist.

As I have already said, good first steps have been made, but there is a long, bumpy road, full of unforeseeable turns, to travel. Still, first steps are steps about hope, and I would say that hope alone makes the prospect of establishing a functioning democracy substantially better than it has been in recent years. A recent editorial in the local media says that democracy here is a weak sapling with very shallow roots. I find that to be an appropriate metaphor.

What value have you gained from combining your international experience working with military and other organizations with a law degree?

The international work I did prior to going to law school, and the fact that I worked at “ground zero” in many conflict areas, provided me with the ability to respond to situations in a practical manner that is responsive to local conditions. However, my education at Osgoode – particularly as part of the International, Comparative and Transnational curriculum, working with such excellent minds as Jean Gabriel Castel, Stepan Wood, Craig Scott and others, together with the experience I gained doing my articles at Steinberg Morton Frymer LLP in the area of litigation – has imbued in me a new appreciation for our ability in Canada to access the law, and to be able to depend on the rule of law, for better or worse.

***Justice for All* has just passed, does this impact on your work at all? Will it make a difference that you can see?**

As a road map for the establishment of rule of law, *Justice for All* is a significant, and important first step to reconstruction, in that it is a clear declaration of an overreaching desire for change and for the engagement in a new phase of state evolution. *Justice for All* continues to need

support to ensure that proponents of the status quo are not, for example, more heavily armed, better paid, and more motivated than the people you have to enforce the law and other mechanisms for change. And therein lies the tension – and perhaps the chasm – between framework and reality.

What message would you like to send to Osgoode alumni and friends about Afghanistan?

There is a Chinese curse that says, if I may paraphrase: “May you live in interesting times.” These are interesting times in Afghanistan, not only because of the changes being affected within the country, but also in respect of how those changes are resonating throughout the region and beyond. Surrounding states are being affected by what is happening here, and so are countries like Canada. So, while there are many who do not know, or perhaps care, that there is a new government here I can confidently state that there will be a continued, and great, need for dedicated lawyers, advisors, and for others to assist Afghanistan to make the transition from a conflict to post-conflict regime. Whether Afghanistan achieves democracy will depend on the political will of the International community in their efforts to assist, and on the political will of the Afghani peoples to overcome the internal and external forces that threaten democracy and rule of law.

Anything else?

Here, and in many other areas of the world, the predominant law is the *jus gladius* – the law of the sword – or more accurately, the law of the AK 47, the RPG, or the indiscriminate killer – the IED on a car, or a suicide bomber. Here, and in many other places in the world, the *jus gladius* still predominates as the primary form of social Darwinism. The ones with the guns – and the strength to use them – rule. b

Andre Thorsen can be contacted directly either at his Osgoode e-mail address (athorsen@osgoode.yorku.ca) or at ISAF (thorsena@isaf-kmnbnato.int). More information about ISAF is available at: www.afnorth.nato.int/ISAF

Days as a Soldier in Afghanistan

naissance vehicles, their electronic eyes watching for rockets brought to Kabul by the remnants of the old regime and desperate locals being paid to launch them into the city. It is rare for rockets to hit buildings occupied by Westerners. It is more likely they will hit the homes of permanent residents of the city. Money plays such an important part in this game. It is \$100 US for a rocket, \$10,000 to strap a bomb to your chest and throw yourself

at an ISAF vehicle, and \$100,000 to shoot down a western plane. Yet what these merchants of terror fear is the future.

Where recently there was a rubble pile, I imagine there is now a corrugated iron shack, goods for sale in the front, and a family living in the back. A week from now, the shack will be joined by others, and eventually a few more Afghan people will reclaim their lives from the dust storms and maelstroms that have made

their home a hell. The future will bring a time when \$100 won't be enough to convince the desperate to risk what they have rebuilt, and the rockets will stop. When the rockets stop, stability will slowly come. Then the soldiers will hand over to the makers of law who will reconstruct the society. b

NEW PUBLIC INTERNSHIP PROGRAM HONOURS FORMER ONTARIO ATTORNEY GENERAL

During his time as Attorney General from 1985 to 1990, Ian Scott was responsible for the first pay equity legislation in North America, amendments to the Ontario Human Rights Code that prohibit discrimination on the basis of sexual orientation, major reforms of the Ontario court system and many more advancements.

Story by Virginia Corner Photography by Cliff Spicer

It may sound cliché but the reception on November 14 at Toronto's National Club to celebrate the launch of the Honourable Ian Scott Public Internship Program at Osgoode was truly a night to remember. By the time the last speaker of the evening, former Ontario Attorney General Ian Scott, wrapped up his remarks, some people had tears in their eyes and everyone was clapping for a great man whose career as a barrister, politician and legal educator was marked by many achievements.

"Everyone in this room, I think, has been touched by Ian in an important, very meaningful way," said Osgoode Dean Patrick Monahan, noting that during his time as Attorney General Scott was responsible for the first pay equity legislation in North America, amendments to the Ontario Human Rights Code that prohibit discrimination on the basis of sexual orientation, major reforms of the Ontario court system and many more advancements.

Scott graduated from Osgoode in 1959 and received an honorary doctorate from the Law School in 1997. First elected as a Liberal MPP to the Ontario legislature in 1985, he represented the riding of St. George-St. David until his retirement from politics in 1990. He held key cabinet posts, including Attorney General and Minister Responsible for Native Affairs.

Friends and colleagues of Scott's, including political luminaries such as former Ontario Premier David Peterson, current Ontario Attorney General Michael Bryant and former Toronto Mayor Barbara Hall, were

on hand for the celebration, as were four of the five Osgoode students who participated this past summer in the Honourable Ian Scott Public Internship Program.

The program, which funds Osgoode students who are working unpaid or underpaid at public interest organizations for the summer, began last year, backed by generous donations from two law firms where Scott once practised – Paliare Roland Rosenberg Rothstein LLP and Gowlings. The intention is that the program will continue to grow over the years as additional donors lend their support. The Law School has also designated funds to support the program.

Monahan credited Chris Paliare, one of the founding partners of his firm, for conceiving the idea of the public internship program in Scott's honour but Paliare said it was the firm's decision. "Ian Scott has made an enormous contribution to us as lawyers and as people who are committed to equality and justice in the justice system. We thought this was a small way for us to be able to commemorate Ian and to thank him for all that he has done for us."

Peter Lukasiewicz of Gowlings, who was Scott's Chief of Staff when he first became Attorney General, was equally magnanimous in his praise of Scott. "This is a remarkable testament to Ian and what you've done in this province. It was such a pleasure to work with you and to be your partner for so many years. It's a thrill for me to see so many of your old friends here to celebrate with you." b



Former Ontario Attorney General Ian Scott is pictured here with four of the five Osgoode students who participated this past summer in the Honourable Ian Scott Public Internship Program at Osgoode. They are (left to right): **Marc Toppings** (World Health Organization in Switzerland); **Ladan Mehranvar** (Rights Action in Guatemala), **Krissy Thompson** (Women Entrepreneurs Association in Turkey) and **Michelle Dagnino** (Youth Action Network in Toronto). Missing from the photo is **Susan McDermott** (Parkdale Community Legal Services in Toronto and Schools without Borders in Brazil).

Making a Contribution around the World

Five Osgoode students participated in the inaugural Honourable Ian Scott Public Internship Program during the summer of 2005. **Ladan Mehranvar** '07 worked with Rights Action in Guatemala to help indigenous villagers who are protesting the development of an open-pit, cyanide-leach gold mine. **Marc Toppings** '07 worked in Switzerland with the World Health Organization focusing on health care delivery and access to treatment in developing countries. **Krissy Thompson** '07 worked in Turkey with the Women Entrepreneurs Association, which advances the economic, political, social and gender equality rights of women. **Michelle Dagnino** '06 worked with Youth Action Network in Toronto, which aims to create and promote social development and public policy initiatives for Canadian youth through research, human resource development, public education, advocacy and regional co-operation. **Susan McDermott**, '06 in addition to working at Parkdale Community Legal Services in Toronto, travelled to Brazil for a month to work as a seminar leader for Schools without Borders.

What follows is an excerpt from a speech Ladan Mehranvar gave at the Ian Scott reception in which she described meeting a panel of activists, one of whom was working in Guatemala:

"One of the panelists was the director of Rights Action, a non-profit, non-governmental organization. We met a few times, spoke of the current situation in Guatemala – the injustices faced by the indigenous peoples of Latin America. The fight inside grew deeper. My blood became thicker. I wanted to be within that struggle – the fight against that monster of a company that was tearing people from their lands in the name of development.

The need of an international observer and writer, a drafter and accompanier was much needed in the small community of Sipacapa. I volunteered. I wanted to go, even if it meant that I had to take out a loan. There was nothing else on my mind.

Perhaps it was sheer luck, perhaps it was destiny, but only a few weeks later, and already over \$1000 in debt for my airline ticket, the e-mail arrived. There was a new public interest fellowship – the Ian Scott Fellowship – awarded to a student who attained an unpaid or underpaid summer employment at a public interest organization.

At first I couldn't believe that a law firm would fund someone to go to Guatemala, and of all things, join the fight against a Canadian gold mining company. Should I downplay my activist persona and make myself look more neutral than I really am?

No, no, no, explained Chantal Morton, then Osgoode's Director of Career Services. That is the point of this Fellowship. That is what Ian Scott stands for: going outside of the box, being an activist, a passionate believer of a just ideology, the fight for human rights. The fight for human dignity.

So, when that e-mail arrived awarding me the Ian Scott Fellowship just as I left the door to write my Constitutional Law exam in April, I was ecstatic." b

Transformation Inspiration and Admiration

A look at some of the most generous donations to the Law School over the past year.

Transformation

Cassels Brock & Blackwell Classroom



Osgoode students, faculty and staff joined Dean Patrick Monahan, York Chancellor Peter Cory '50 and members of Cassels Brock & Blackwell LLP for the official opening on November 17 of Osgoode's fifth renovated classroom, the Cassels Brock & Blackwell Classroom.

"This was a very difficult project to manage because we had a very small window of time between Spring Convocation and the start of fall classes," said Monahan. "There was quite an extensive renovation which included stripping out the old classroom right to the walls and rebuilding it."

In addition to new desks, chairs and improved seating configuration, the classroom has been upgraded to a 'smart classroom' that is equipped with state-of-the-art technology. Professor Tom Johnson delivered a brief lesson in mercantile

law using the equipment to display his class Web site, pull up documents, discussions and Web references. "This classroom takes students out of the classroom and into the world. They can pull up electronic resources, integrate multiple sources of information, have online discussions and information at their fingertips."

While the renovation and technology are impressive, it was the new window that received the most attention. In addition to the \$250,000 the firm provided to renovate the classroom, they gave an additional \$25,000 to install a window in the classroom. To provide symmetry to the outside of the building, the firm of McCarthy Tétrault also gave \$25,000 for the classroom they renovated in 2001.

Davies Ward Phillips & Vineberg Gift to Business Law

On September 14, members of the firm of Davies Ward Phillips & Vineberg LLP visited the Law School with a wonderful gift: a cheque for \$406,250. The money will be used to create a permanent endowment, the Davies Fund for Business Law, which will allow Osgoode to further enhance its reputation in the business law area. The Davies Fund will establish a lecture program that will create excitement for business law within the student community as well as help the Law School better connect with the broader legal and business community in Toronto.

As Jay Swartz '73 of Davies Ward Phillips & Vineberg LLP noted in his remarks, the firm is looking to enhance public debate, at the Law School and in the broader legal community, on business law issues of current concern. "This is a very important gift to the law school," said a delighted Dean Patrick Monahan. "It's as generous a gift as any we have received from other law firms, given the size of Davies Ward Phillips & Vineberg LLP."



Inspiration

Torlys Cup

Mooting has been a long and important tradition at Osgoode and one of the great aspects of the LLB program. Now, thanks to the generosity of Torlys LLP, first-year students will have a moot of their own. The firm pledged \$250,000 in support of the mooting program at Osgoode. The gift, announced on September 9 before a capacity crowd in the Moot Court Room, will be used to develop the program and to create the Torlys Mooting Bursary, which will provide students with financial assistance to participate in mooting. In recognition of the firm's generosity, Osgoode has established the Torlys First Year Moot, which will see the top four students in each section of first year compete for the Torlys Cup.



Funding for Aboriginal Law

Milt Harris was not a lawyer but he understood the power of the law and how fundamental it is to create societal change. Mr. Harris was a tremendous philanthropist who turned his family scrap metal business into a steel industry. He and his wife, Ethel, have donated generously to a variety of causes including initiatives that would assist Aboriginal people.

"From our first meeting I was impressed by Mr. Harris' sincere concern and commitment for native Canadians. He wanted them to control their future and felt that only if they had control over the law would they be able to achieve this goal," noted Dean Patrick Monahan. Mr. Harris gave Osgoode \$250,000 in support of Aboriginal students and the Intensive Program in Aboriginal Lands, Resources and Governments.

Sadly, Mr. Harris passed away before he could see the results of his generosity to Osgoode. However, the students who benefit from his gift will go back to help their communities and that will serve as his legacy.



Admiration

The William and Edward Barrack and John Joseph Radey Bursary



Mike Barrack
in 1977-78 academic year

William Barrack, Edward Barrack and John Joseph Radey each faced personal and physical challenges with grace and courage. None of them lived to celebrate their 50th birthday. Mike Barrack '80 chose to celebrate his 50th birthday by endowing this bursary in honour of the memory of his father and grandfathers. The bursary will be given annually to students in the LLB program at Osgoode Hall Law School who are Canadian citizens/permanent residents, Ontario residents and who demonstrate financial need. Preference will be given to students who are facing personal challenges.

John W. Graham, Q.C.

John Webb Graham '36 was many things: a soldier, a respected lawyer, and a businessman. He was also very active in his community and had a strong record of service to his church. Without a doubt, he influenced the lives of many people, perhaps none more so than his stepson, Ted Rogers '60. At a recent event to celebrate the John W. Graham Fellowships, Mr. Rogers spoke warmly of his stepfather. He was, Mr. Rogers said, a calm and steady influence throughout his life. "When I would come up with an exciting new idea, I'd tell him and he'd say 'Why don't you just write it down and we'll talk about it in the morning.' I always valued his counsel and still miss him today."

Mr. Rogers established the John W. Graham Fellowships at Osgoode in 1993 to honour his stepfather's distinguished contributions to the development of telecommunications in Canada. Last year, he made a second gift to the Fellowships, which almost doubled the original endowment. The Fellowships are awarded to students registered in the Graduate Program in Law who are undertaking research in the field of communications law. It is through these Fellowships that John W. Graham will continue to influence the lives of others and will be remembered for his commitment and dedication to Canada's telecommunications industry.





Health Care Crisis



Osgoode Summit Examines Chaoulli Ruling's Implications for the Future of Health Care

Story by Tracey Tyler

On the morning of what she calls her “orthopedic meltdown,” Jamie Cameron couldn’t walk. It got worse when her doctor couldn’t see her. The Osgoode professor was no stranger to delays in the public health care system. She once waited 16 months for an operation.

But Cameron was as rattled as all the other legal experts last June when the Supreme Court of Canada came out with its blockbuster ruling in the Chaoulli case, striking down Quebec’s ban on private health insurance.

The 4-3 decision could have profound implications for the future of health care in Canada. It has been hailed in some quarters for highlighting the urgency of reducing wait times and for its recognition of a right of reasonable access to health care services. Others have denounced the ruling as the beginning of the end of medicare as we have known it.

“I couldn’t believe my ears when I heard what the Supreme Court had done,” said Cameron, who chaired a panel at Osgoode’s one-day national summit on the ruling’s implications. The Oct. 26th symposium at Osgoode Professional Development’s downtown Toronto conference centre attracted medical, legal and political experts from eight provinces and territories as well as the U.S. There was also media coverage of the summit in the National Post, the Toronto Star and on CBC National Radio’s, “The House.”

Osgoode Dean Patrick Monahan, who co-chaired the summit with Osgoode Professor Bruce Ryder, director of York’s Centre for Public Law and Public Policy, said

they wanted to focus not just on the legal debate surrounding the ruling, but its impact on government decision-making and the Canadian health care system as a whole. The ruling in the Chaoulli case hit hard in part because it was such a surprise, said Monahan, who represented ten Senators who intervened in the case. There hadn’t been much hand wringing while it was on reserve because the result seemed a foregone conclusion.

“I think it’s fair to say the sophisticates in the legal community yawned. The court would never touch the sacred cow of medicare,” said Peter Hogg, Professor Emeritus at Osgoode, who also acted for a consortium of intervenors. The court ruled that two Quebec statutes that prohibit private health insurance infringe the right to personal “inviolability” under sec. 1 of the Quebec Charter.

Justice Marie Deschamps wrote the main decision but steered clear of the issue that divided the rest of the court 3-3: Whether it is a breach of fundamental justice – and sec. 7 of the Canadian Charter – for the government to hold a monopoly over health care and fail to deliver services in a timely fashion.

There’s now “genuine debate” about whether those who said yes – Chief Justice Beverley McLachlin and Justices Jack Major and Michel Bastarache – have shown a new level of judicial activism, Monahan said.

“I think it’s one of the most stunning examples of judicial hubris I’ve ever read,” said Christopher Manfredi, a McGill University political scientist.

Until now, section 7 applied only when

a legal principle was at stake, said Janet Minor, who appeared as counsel for Ontario’s Attorney General in the case. She called Chaoulli a “bold” ruling that shows the court’s willingness to take on hot-button social issues.

But the court’s analysis of other countries’ private health care systems is thin and Deschamps offers no support for her view that Canada’s health care situation is “deteriorating,” said Minor.

The ruling also offers “no guidance” for appeal courts if wait times are challenged in another case – and there will be another case, she said.

But Senator Michael Kirby disagreed. The decision will instead force the public health system to become more efficient and, within the next three years, someone will introduce a “care guarantee” of treatment within a specific time, he predicted.

Politically, the ruling is a wake-up call for governments, said Morris Rosenberg, federal Deputy Minister of Health. More and more, citizens frustrated with government decisions are turning to the courts and the challenge for governments is to ensure they can instead participate effectively in the democratic process, he said.

With health care, the public is demanding not only access, but accountability, added Ontario Health Minister George Smitherman, who said he’s “embarrassed” to have inherited a ministry that couldn’t say how many cancer surgeries are performed in a year.

“There are a lot of people locked into thinking that, in health care, the issue is more money and that’s just bullshit.” b



And the award goes to.....

2006 Alumni Gold Key Awards

The Board of Directors of Osgoode Hall Law School Alumni Association created an award in 2002 known as the Osgoode Hall Law School Alumni Gold Key Award presented annually to honour outstanding alumni. Up to ten awards will be given annually (two to three in each category) at the Dean's Annual Alumni Reception on Tuesday, May 16, 2006.

We seek your help in identifying alumni who qualify for the awards. This is your opportunity to nominate an Osgoode alumna or alumnus for a prestigious Gold Key Award.

Deadline for receipt of 2006 nominations is March 17, 2006.

To fill out a nomination form, or for more information, visit:
www.osgoodealumni.ca

Nominations may be mailed or e-mailed to:
Advancement Office,
Room 415
Osgoode Hall Law School
York University
4700 Keele Street
Toronto, ON M3J 1P3
Phone: 416-736-5638
E-mail:
alumni@osgoode.yorku.ca

CATEGORIES

1. Achievement

This award recognizes exceptional professional achievement. The Awards Committee shall consider the following criteria in making the selection:

- a record of professional accomplishment;
- proven leadership and commitment in a chosen field of endeavour;
- recognizable contribution to the Law School and/or the community at large.

2. Recent Graduate

This award recognizes exceptional professional achievement of recent graduates. The Awards Committee shall consider the following criteria in making the selection:

- graduated in the last ten years (preference will be given to more recent alumni);
- high levels of achievement early in one's chosen career or profession;
- demonstrated leadership capability;
- recognizable contribution to the Law School and/or the community at large.

3. Public Sector Law

This award recognizes the achievements of public sector or government lawyers. The Awards Committee shall consider the following criteria in making the selection:

- sustained outstanding service or a specific extraordinary accomplishment;
- significant contributions to social justice or public service;
- recognizable contribution to the Law School and/or the community at large.

4. Service

This award acknowledges significant contributions of time and energy to Osgoode Hall Law School and/or the Alumni Association. The Awards Committee shall consider the following criteria in making the selection:

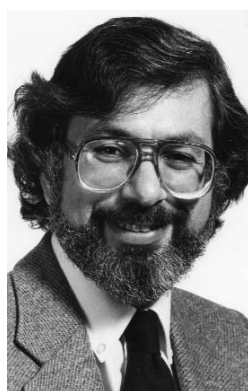
- demonstrate leadership, commitment and support for the Law School;
- support the Law School's alumni efforts;
- advancement of the Law School's objectives or goals.

APPLICATION PROCESS

Nomination submissions must include:

- a letter from the nominator outlining how the nominee meets the criteria of the award;
- CV or biography;
- up to a maximum of four letters of support;
- up to a maximum of four pages of additional material.

The Enduring Contributions of Harry W. Arthurs



In his more than 40 years of service to Osgoode Hall Law School and York University, Harry Arthurs achieved an international reputation as one of the world's leading legal scholars, as well as a leading public intellectual in Canada. He proved to be that rare individual who combines scholarly achievement with exceptional academic leadership, first as Dean of Osgoode Hall Law School and later as President of York University.

There are few people who have made as significant an impact on Canadian legal education as Harry Arthurs. There are certainly many law schools or universities around the world where he could have worked, so we are indeed fortunate that he chose to dedicate himself to Osgoode. It was his outstanding intellect, passion and commitment that helped shape Osgoode into one of North America's leading law schools.

When he retired last year, Professor Arthurs declined the traditional retirement presents, a gold watch or a piece of art. Instead, he chose something, not for himself, but for the Law School. He created the Harry W. Arthurs Fund at Osgoode Hall Law School, which will provide support for the research activities of the Osgoode faculty as well as a fellowship for a graduate student in law. Professor Arthurs was also the first donor to the Fund with a gift of \$120,000. He then wrote to his friends, colleagues and former students to ask if they would also make a gift. His goal was to raise a total of \$120,000 to match his own donation. The response was more than he could have imagined; he raised over \$220,000. Professor Arthurs was deeply moved and truly grateful.

It will certainly be hard to imagine Osgoode Hall Law School without Harry Arthurs. However, he has left a legacy in the students he taught, the colleagues with whom he shared ideas and in an extensive body of scholarly work. The Harry W. Arthurs Fund will ensure that Osgoode will continue to support the cause dearest to him – the cause of learning. b

Don't cry because it's over. Smile because it happened. — DR. SEUSS

ACADEMIC DEGREES AND HONOURS

BA (1955), LLB (1958)
University of Toronto

LLM (1959) Harvard Law School

Barrister & Solicitor, 1961

LLD (Hon) Sherbrooke (1986),
Brock (1986), Law Society of Upper
Canada (1987), McGill (1995),
Montreal (2002), Toronto (2002)

DCL (Hon) Windsor (2004)

DLitt (Hon) Letbridge (1991)

Fellow, Royal Society of Canada,
1982

D.W. Mundell Medal, 1988

Officer, Order of Canada, 1989

Member, Order of Canada, 1995

Killam Laureate in the Social
Sciences, 2002

Bora Laskin Award for
Distinguished Contribution to
Labour Law, 2003

Corresponding Fellow, British
Academy, 2003

PROFESSIONAL HIGHLIGHTS

Member of the Osgoode faculty
1961-2005

Dean, Osgoode Hall Law School
1972-1977

President and Vice-Chancellor,
York University 1985-1992

University Professor 1995-2005

Associate, Canadian Institute of
Advanced Research 1995-1998

Member, Economic Council of
Canada 1978-1981

Commissioner, Review of the
Canada Labour Code Part III
2004-present

Principal author of Law and
Learning – Report on Legal
Research and Education in Canada

Author or co-author of six books
and more than 100 published
articles and book chapters

Name	Grad Year	Name	Grad Year	Name	Grad Year
Harry S. Mandell	1929	Francis L. Walsh	1950	David G. Lawrence	1958
Anne E. Baker	1929	Donald R Todd	1950	Elmer L. Moore	1959
Jacob Kaplan	1930	Fraser L. Thompson	1950	Lawrence D. Graner	1959
John G. Currie	1930	Joseph M. Priddle	1950	George W. Glass	1959
Philip H. Sullivan	1934	William G. Murphy	1950	Gordon Atlin	1959
George E. Beament	1934	Thomas H. Murphy	1950	Michael C. Harrison	1960
Arthur J. Donnelly	1935	Welland T. Hollinger	1950	Lawrence P. Foran	1960
John D. Arnup	1935	Jay Hayden	1950	John J. Ellis	1960
David V. Pugh	1937	Francis G. Carter	1950	Joseph C. Victor	1961
John J. Bussin	1938	Paul B. Burnett	1950	Michael W. Kovach	1961
H. Ramsay Park	1939	Reginald E. Burnell	1950	James A. Rendall	1962
Frederick P. Moyer	1939	James N. Bartlet	1950	Ronald G. Belfoi	1962
Isadore B. Weinstein	1940	Thomas H. Hough	1951	Charles C. Finley	1963
John H. Osler	1940	Edward J. Hinchey	1951	Hugh M. Slimon	1964
Michael J. Cloney	1940	W. D. Griffiths	1951	Herschel W. Lebo	1965
Ashton W. Winter	1941	Beverley P. Davies	1951	Robert Y. Arcand	1965
Ralph M. Aylesworth	1941	Robert I. Martin	1952	C. Douglas Wilson	1968
Ralph D. Sweet	1943	Ernest J. Weiss	1953	Richard K. Broadfoot	1969
Edward A. Reid	1945	G. Patrick Vernon	1953	Allan C. Millward	1970
R. Fraser Elliott	1946	Gordon W. Ecclestone	1953	Michael Rinaldo	1971
Grant C. Brown	1946	Norman E. Byrne	1953	Charles Ogilvie	1971
Howard B. Stevens	1947	Allan H. Bartlett	1953	Alfred Lane	1972
Donald R. Snipper	1948	William L. Archer	1953	Jeffrey L. Kirsch	1972
John H. Ryan	1948	John E. Van Duzer	1954	Zenonas T. Raciunas	1975
Frank D. Powell	1948	John R. Grummett	1954	Georgina M. Quijano	1975
James F. McCallum	1948	Ian W. Outerbridge	1955	A. Wayne Piddington	1976
Allan H. Hollingworth	1948	Terrence E. Foy	1955	Douglas R. Wilson	1977
Samuel G. Grange	1948	Joseph A. Brule	1955	George R. Hejduk	1978
Vernon P. Dunn	1948	Copley G. Winslow	1956	Luis L. Douramakos	1980
John M. Coyne	1948	Hugh R. Hart	1956	Geoffrey S. Lester	1982
William E. Young	1949	John H. Ham	1956	Nancy A. Pamentor-Potvin	1983
F. Vincent Regan	1949	Emilio J. Gambin	1956	Ronald K. Oleksiuk	1983
Martin T. Morrissey	1949	Bud J. Cullen	1956	Adam S. Albright	1984
Albert J. McComiskey	1949	Donald H. Creighton	1956	Shirley A. McCarthy	1985
Royce H. Frith	1949	Joseph C. Kane	1957	Joy N. McKie	1987
Philip W. Benson	1949	Stanley G. Hurowitz	1957	Sean P. McKenna	1988
Sanford I. World	1950	Charles H. Pullen	1958	Zain Abdul Alarakhia	2000
James R. Wood	1950	John L. Matthews	1958		



We wish to mark the passing of two alumni who were honoured by the Osgoode Alumni Association with the Award of Excellence. The Honourable **John Arnup** '35 (left) was given the Award of Excellence in 1984 and the Honourable **Samuel Grange** '48 (right) in 1997. Both brought distinction to the profession and to the Law School.

1950's

Leonard A. Braithwaite '58 was awarded the Order of Ontario in September 2005, the province's highest and most prestigious honour. Braithwaite was the first black member elected to a provincial parliament in Canada and the first black lawyer elected as a member of the Governing Council of the Law Society of Upper Canada.

1970's

Edward P. Belobaba '73 was appointed a judge of the Superior Court of Justice of Ontario.

Paul Cavalluzzo '70 received the Law Society Medal in June 2005 for using the law to promote access to justice for those at the economic margins and for his strong commitment to legal scholarship. Cavalluzzo's commitment to public service has been demonstrated through his work on two complex public inquiries. In 2000, he was appointed to serve as Chief Commission Counsel to the Walkerton Inquiry and again in 2004 to the Arar Inquiry.

Linda Silver Dranoff '72, founding chair of The Ontario Bar Association's Feminist Legal Analysis Section, was honoured with its Commitment to Equality Award in May 2005. She is currently a senior partner in the family law firm Dranoff and Huddart in Toronto.

E. Eva Frank '74 was appointed a judge of the Superior Court of Justice.

Barbara Hall '78 has been appointed as Chief Commissioner of the Ontario Human Rights Commission. She has worked as a lawyer, community worker and political leader for 35 years and served as Mayor of the City of Toronto from 1994 to 1997.



Marilou McPhedran '76 was appointed as a part-time member of the Canadian Human Rights Tribunal. She is the founder and co-director of the International Women's Rights Project at the University of Victoria Centre for Global Studies.

Paul M. Perell '74, LL.M. '89, PhD (Law) '99 was appointed a judge of the Superior Court of Justice.



William Rice '72 was appointed Chair & Chief Executive Officer of the Alberta Securities Commission (ASC) for a five-year renewable term.

Prior to joining the ASC, Rice was the managing partner of Bennett Jones LLP.

1980's

Arlene Brock '88 has been appointed the inaugural Ombudsman for Bermuda.

Tye Burt '83 was appointed President and Chief Executive Officer of Kinross Gold Corporation. Burt joined Kinross

following his most recent position as Vice-Chairman and Executive Director, Corporate Development with Barrick Gold



Corporation. Prior to that, he spent 16 years in corporate finance in the positions of Chairman of Deutsche Bank Canada and Global Head of Metals and Mining for Deutsche Bank, Head of Investment Banking in Vancouver and Co-Head of the Mining Group at Nesbitt Burns. He also spent many years at Burns Fry Limited in Mergers & Acquisitions and Equity Capital Markets.

Christopher Doll '89 was awarded the Community Service Award from the Canadian Bar Association BC Branch.

Sergio R. Karas '86 was elected as Vice-Chair of the Ontario Bar Association's Citizenship and Immigration section. He is also currently Vice-Chair of the International Bar Association's Immigration and Nationality Committee based in London, England, and an active speaker on immigration issues in Canada and worldwide.

Terence Kawaja MBA/LLB '89 was appointed Managing Director and Partner at Gridley & Company LLC. Kawaja has more than 15 years of experience in investment banking, including positions as Managing Director and head of media and communications mergers and acquisitions at both Citigroup and CSFB.

James Morton '86 is currently serving as Vice President and will become President later this year of the Ontario Bar Association.

John F. (Jack) Petch LL.M. '80 was elected Vice-Chair of the Governing Council of the University of Toronto in 2004-05.

Leo Simone '87 is now living in Northern California and happily retired. Married to Andre with two girls, Celine, 5 1/2 and Catherine 1 1/2, he worked in Silicon Valley at Netscape for five years running their Tax Department. Call if you are in the area.

Alvin Gary Starkman '84 received a Specialized Honours BA in 1974 and MA in 1978 both in Anthropology from York, and later became the litigation partner at Banks & Starkman in 1986 upon his call to the Bar. He sold his interest in the law firm and home in Toronto and retired to the magical city of Oaxaca, in South Central Mexico in July 2004, at age 54, after having spent four years with wife Arlene building their dream home into the side of a mountain. He currently writes for the English language newspaper, The Oaxaca Times, and keeps busy renting out a level of his home as a B & B. He can be reached at <http://www3.sympatico.ca/artfacts/oaxaca>.

1990's

J. Brian Casey '92 was appointed in July 2005 as the new Managing Partner of the Canadian offices of Baker & McKenzie LLP.

Wendy Griesdorf '93 has opened a new office in Kingston, Ontario. Griesdorf, who is a former Director of Career Services at Osgoode, restricts her practice to estate litigation and mediation.

David McBean '93 married Francesca Facchini (York'91) in 2002. They recently welcomed their first child, Michael James McBean. David is currently the Manager of the Immigration and Refugee Board's University Avenue office.

Paula McPherson LLM/ADR '99 has been appointed Deputy Judge, Ontario, Central South Region.

Lee Moonlake '98, LLM '02 moved to Singapore in 2004 and is a happy and proud mother to 21-month-old Allie and six-month-old Hana.

Mirka Royston (formerly Brown) '94 is a family law litigator with Trope and Trope in Los Angeles and was recently married in July 2005.

Allen J. Wynperle '94 was appointed President of the Hamilton Law Association. Wynperle is a sole practitioner in Hamilton at his firm Allen Wynperle Professional Corporation. His practice focuses on personal injury litigation.

2000's

Andrew Bergel '01 was crowned the 2005 Rock, Paper, Scissors World Champion in October. He practices at Bergel & Associates with his father, Hy '70, and his brother, Ilan '04.

S. Enam Bukhari LLM '01 continues to work as a lawyer and is raising food for foodbanks province-wide through his Website www.food4wills.com.

Amy MacMillian '01 married David Matthews in Toronto on May 28, 2005.

CLASS REUNIONS



Dean Patrick Monahan '80 invites you to be
his guest at the second annual

Dean's Alumni Reception



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Free

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E-mail: alumni@osgoode.yorku.ca

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